

REMARKS

Claim 1, 4, 12 and 16 have been amended. No new matter has been added. Thus, claims 1 - 18 remain pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

Claims 1 - 18 stand rejected under 35 U.S.C. § 102(b) as anticipated by Sampson (U.S. Patent No. 5,092,849).

Sampson fails to teach or suggest a septum comprising an "attachment portion including an annular surface extending radially beyond a periphery of the operative surface and separated from the operative surface in a direction substantially perpendicular to the annular surface, the annular surface being coupled to the operative surface by a chamfer which, when the septum is mounted within the housing, *is not coplanar with the annular surface* and is subject to a force oriented substantially perpendicularly with respect to the annular surface, the chamfered portion redirecting a portion of the force to compress the operative surface in a direction substantially parallel to the annular surface, *wherein the chamfer is not perpendicular to the operative surface or the annular surface,*" as recited in claim 1.

In support of the rejection, the Examiner has analogized an "angled surface in figure 12A near 82 towards the opening and operable surface" to the chamfer of claim 1. (*See* 12/10/08 Office Action, p. 3). However, it is respectfully submitted that no part of the Sampson device meets the limitations of a chamfer as recited in claim 1. Specifically, claim 1 recites that the chamfer "is subject to a force oriented substantially perpendicularly with respect to the annular surface." The only portion of the septum 34 of Sampson that is capable of receiving the recited force that is perpendicular to the purported annular surface is the portion of the operable surface 92 compacted by the shoulder 40 of the housing. (*See* Sampson, col. 6, ll. 8 - 40; Fig. 12A). That is, the portion of the operable surface 92 that is not compacted by the shoulder 40 is not "subject to a force oriented substantially perpendicularly with respect to the annular surface," as recited in claim 1. However, it is respectfully submitted that the portion of the operable surface 92 compacted by the shoulder 40 is incapable of meeting the limitation of a chamfer that "*is not coplanar with the annular surface,*" as also recited in claim 1. Specifically, the Examiner has analogized the portion of the operable surface 92 compacted by the shoulder 40 to the annular

surface of claim 1. It is therefore submitted that no portion of the operable surface 92 compacted by the shoulder 40 is capable of meeting the limitation of a chamfer that “is not coplanar with the annular surface,” as recited in claim 1. It is therefore submitted that nothing in Sampson meets the limitations of a chamfer that “*is not coplanar with the annular surface and is subject to a force oriented substantially perpendicularly with respect to the annular surface,*” as recited in claim 1.

Sampson therefore fails to teach or suggest a chamfer that “*is not coplanar with the annular surface and is subject to a force oriented substantially perpendicularly with respect to the annular surface,*” as recited in claim 1. It is therefore submitted that claim 1 is allowable over Sampson. Because claims 2 - 11 depend from, and therefore include all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

Amended claim 12 recites limitations substantially similar to claim 1, including a septum for an access port, comprising “an attachment portion adapted to abut a septum seat of the access port, *the attachment portion including an annular surface*; an operative surface adapted to permit penetration by a needle and resealing itself after removal of the needle, a periphery of the operative surface being radially within a periphery of the annular surface; and *a chamfered portion providing a transition between the attachment portion and the operative surface, the chamfered portion re-directing a component of a force applied to the chamfered portion to compress the operative surface, wherein the chamfered portion is not coplanar with the annular surface* and is not perpendicular to the operative surface or the annular surface.” It is therefore respectfully submitted that claim 12 and its dependent claims 13 - 18 are allowable over Sampson for the same reasons noted above with regard to claim 1.

Claims 1 - 18 stand rejected under 35 U.S.C. § 102(b) as anticipated by Johnson (U.S. Patent No. 5,989,216).

Johnson fails to teach or suggest an attachment portion comprising “a chamfer which, when the septum is mounted within the housing, is not coplanar with the annular surface and is subject to a force oriented substantially perpendicularly with respect to the annular surface, the chamfered portion redirecting a portion of the force to compress the operative surface in a direction substantially parallel to the annular surface, wherein the chamfer is not perpendicular

to the operative surface or the annular surface,” as recited in claim 1.

Initially, it is noted that Johnson fails to define the elements referenced in support of the rejection and, furthermore, that the conclusions drawn by the Examiner regarding the elements of the Johnson device are incorrect and speculative at best. Specifically, the Examiner has indicated that a curved portion in Johnson “with a substantially constant radius of curvature” is analogous to the chamfer providing a transition between the attachment portion and the operative surface of claim 1. (*See* 12/10/08 Office Action, pp. 3 - 5). However, it is respectfully submitted that the rounded portion of the Johnson device referred to by the Examiner projects out of the housing 120 and is therefore not “subject to a force oriented substantially perpendicularly with respect to the annular surface,” as claimed, or of “redirecting a portion of the force to compress the operative surface in a direction substantially parallel to the annular surface,” as recited in claim 1. Rather, since this portion of the septum is located externally of the housing, it is incapable of receiving the recited force.

It is further submitted that even the portion of the septum 122 that is seated within the housing fails to meet the limitation of a chamfer that “is not perpendicular to the operative surface or the annular surface” and is further incapable of being “subject to a force oriented substantially perpendicularly with respect to the annular surface,” as recited in claim 1. Specifically, not only does Johnson explicitly indicate that the septum 122 is not compressively held in the housing, it is evident that the only force this portion of the septum is capable of receiving is a force oriented *parallel* to the annular surface and operative surface. (*See* Johnson, col. 4, ll. 49 - 65; col. 7, ll. 10 - 20; Figs. 10 - 11). It is therefore submitted that no part of the purported chamfer of Johnson meets the limitation of being “subject to a *force oriented substantially perpendicularly with respect to the annular surface*,” as recited in claim 1 and that claim 1 is allowable over Johnson for at least this reason.

It is therefore respectfully submitted that Johnson fails to teach or suggest “a chamfer which, when the septum is mounted within the housing, is not coplanar with the annular surface and is subject to a force oriented substantially perpendicularly with respect to the annular surface, the chamfered portion redirecting a portion of the force to compress the operative surface in a direction substantially parallel to the annular surface, wherein the chamfer is not perpendicular to the operative surface or the annular surface,” as recited in claim 1 and that

claim 1 and its dependent claims 2 - 11 are allowable over Johnson.

Claim 12 recites substantially similar limitations as claim 1, including a septum for an access port, comprising “an attachment portion adapted to abut a septum seat of the access port, *the attachment portion including an annular surface*; an operative surface adapted to permit penetration by a needle and resealing itself after removal of the needle, a periphery of the operative surface being radially within a periphery of the annular surface; and *a chamfered portion providing a transition between the attachment portion and the operative surface, the chamfered portion re-directing a component of a force applied to the chamfered portion to compress the operative surface, wherein the chamfered portion is not coplanar with the annular surface and is not perpendicular to the operative surface or the annular surface.*” It is therefore respectfully submitted that claim 12 and its dependent claims 13 - 18 are allowable over Johnson for the same reasons noted above with regard to claim 1.

Claims 1 and 12 stand rejected under 35 U.S.C. § 102(b) as anticipated by Wiita (U.S. Patent No. 4,772,270) or Bark (U.S. Patent No. 4,904,241).

Wiita fails to teach or suggest “a chamfer, the annular surface being coupled to the operative surface by the chamfer which, when the septum is mounted within the housing, *is subject to a force oriented substantially perpendicularly with respect to the annular surface, the chamfered portion redirecting a portion of the force to compress the operative surface in a direction substantially parallel to the annular surface, wherein the chamfer is not perpendicular to the operative surface or the annular surface,*” as recited in claim 1.

The Examiner has contended that the shoulder 24 of the Wiita device is comparable to the chamfer of claim 1. However, it is submitted that neither the shoulder 24 nor any other portion of Wiita meets the limitation of a chamfer that “is not perpendicular to the operative surface or the annular surface,” as recited in claim 1. Rather, it is evident that the shoulder 24 is perpendicular to the purported annular portion located near 72. (See Wiita, Fig. 2). Furthermore, since all of the elements of the septum and housing of Wiita are formed at perpendicular angles to one another, it is evident that Wiita is incapable of meeting this limitation at all. It is further submitted that the purported chamfer 24 of Wiita also fails to meet the limitation of being “*subject to a force oriented substantially perpendicularly with respect to*

the annular surface,” as recited in claim 1 and rather, only receives a force that is parallel to the purported annular surface.

Accordingly, it is submitted that Wiita fails to teach or suggest a chamfer that “is not coplanar with the annular surface and is subject to a force oriented substantially perpendicularly with respect to the annular surface, the chamfered portion redirecting a portion of the force to compress the operative surface in a direction substantially parallel to the annular surface, *wherein the chamfer is not perpendicular to the operative surface or the annular surface,*” as recited in claim 1 or “a *chamfered portion providing a transition between the attachment portion and the operative surface, the chamfered portion re-directing a component of a force applied to the chamfered portion to compress the operative surface, wherein the chamfered portion is not coplanar with the annular surface and is not perpendicular to the operative surface or the annular surface,*” as recited in claim 12. It is respectfully submitted that claims 1 and 12 are therefore allowable over Wiita. Because claims 2 - 11 and 13 - 18 depend from claims 1 and 12 respectively, it is respectfully submitted that these claims are also allowable.

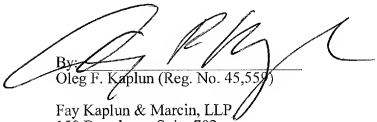
It is respectfully submitted that Bark, too, fails to teach or suggest a chamfer that “*is not coplanar with the annular surface* and is subject to a force oriented substantially perpendicularly with respect to the annular surface, the chamfered portion redirecting a portion of the force to compress the operative surface in a direction substantially parallel to the annular surface, *wherein the chamfer is not perpendicular to the operative surface or the annular surface,*” as recited in claim 1. No surface or structure of the septum of Bark is suitable for a redirection of force as claimed. Specifically, the Examiner has analogized the portion near element 18 of Bark to the “annular surface” of claim 1 and the portion near 36 to the “chamfer” of claim 1. (See 12/10/08 Office Action, p. 5). Initially, it is submitted that the portion near 36 of Bark is perpendicular to the purported annular surface and thus fails to meet the limitation of a chamfer that “*is not perpendicular to the operative surface or the annular surface,*” as recited in claim 1. It is further evident that the septum of Bark is formed of only perpendicularly intersecting surfaces and is therefore inherently incapable of meeting the recited limitation. Furthermore, it is submitted that no portion of the septum near 36 is “subject to a force oriented substantially perpendicularly with respect to the annular surface,” and further “redirecting a portion of [this] force to compress the operative surface in a direction parallel to the annular surface,” as recited in claim 1. It is submitted that claim 1 is allowable over Bark for at least this reason.

It is therefore submitted that Bark fails to teach or suggest “*is not coplanar with the annular surface* and is subject to a force oriented substantially perpendicularly with respect to the annular surface, the chamfered portion redirecting a portion of the force to compress the operative surface in a direction substantially parallel to the annular surface, *wherein the chamfer is not perpendicular to the operative surface or the annular surface,*” as recited in claim 1 or “*a chamfered portion providing a transition between the attachment portion and the operative surface, the chamfered portion re-directing a component of a force applied to the chamfered portion to compress the operative surface, wherein the chamfered portion is not coplanar with the annular surface and is not perpendicular to the operative surface or the annular surface,*” as recited in claim 12. It is respectfully submitted that claims 1 and 12 are therefore allowable over Wiita. Because claims 2 - 11 and 13 - 18 depend from claims 1 and 12 respectively, it is respectfully submitted that these claims are also allowable.

In light of the foregoing, Applicants respectfully submit that all of the pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, and an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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